

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
PROVIDING NOTICE AND OPPORTUNITY TO COMMENT
ON DATA RESPONSE**

This ruling is issued to provide parties with notice and opportunity to comment on the document attached hereto. The attached document, prepared by Navigant Consulting, Inc. on behalf of the Department of Water Resources (DWR), was provided to the staff of the Commission's Energy Division in response to a data request for information as to the actual recorded undercollection related to the Direct Access Cost Responsibility Surcharge (DA CRS) for the 2001-2002 period. As noted in the testimony and briefs of various parties, the modeling scenarios presented by DWR for this phase of the proceeding did not disclose the actual recorded level of 2001-2002 undercollections attributable to DA load. Instead, DWR presented a range of hypothetical undercollections for the 2001-2002 period by applying a ratio of forecast 2003 scenario estimates to 2001-2002 results.

In response to a request from the Commission's Energy Division, the attached document was produced by DWR. The document is represented as deriving actual recorded undercollections for 2001-2002 attributable to DA customers based on a DA-in/DA-out calculation using the methodology

prescribed in Decision (D.) 02-11-022. The 2001-2002 undercollections depicted in this document are for Pacific Gas and Electric \$413.7 million, for Southern California Edison, \$268.2 million, and for San Diego Gas & Electric \$55.1 million.

In the interests of developing a more complete record concerning the actual level of recorded undercollections attributable to DA load for the 2001-2002 period, the attached document is provided for parties' review and comment. Parties are hereby given notice that the Commission may consider the information in the attached document in assessing the level of recorded undercollections attributable to DA customers for the 2001-2002. The determination of a reasonably reliable approximation of the actual levels of undercollections attributable to the DA CRS is relevant in considering the effects of various levels of caps that may be imposed in this phase of the proceeding.

The parties will be provided with notice and opportunity to be heard on the information contained in the attached DWR response through notice and comment. The intent is to make the information and the parties' comments part of the record for this proceeding. Evidentiary hearings are not necessary. However, any party who believes that evidentiary hearings are necessary on this information should make a request in their comments, and state specifically what material facts are in dispute that would necessitate holding an evidentiary hearing, and what evidence would be introduced during such a hearing.

IT IS RULED that:

1. Parties are hereby provided notice and opportunity to be heard concerning consideration of the information contained in the attached document in this proceeding as it relates to information presented by DWR purporting to be the actual 2001-2002 undercollection attributable to the DA CRS for each utility.

2. One round of comments on this document may be filed, to be due by May 19, 2003.

3. Any party who believes that evidentiary hearings are necessary on this information should make a request in their comments, and state specifically what material facts are in dispute that would necessitate holding an evidentiary hearing, and what evidence would be introduced during such a hearing.

Dated May 12, 2003, in San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Providing Notice and Opportunity to Comment on Data Response on all parties of record in this proceeding or their attorneys of record.

Dated May 12, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

R.02-01-011 TRP/tcg

[Attachment to R0201011](#)